

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WOLVERINE WORLD WIDE, INC.,

Plaintiff,

v.

Case No. 1:19-cv-00010-JTN-ESC

THE AMERICAN INSURANCE COMPANY,
et. al,

Honorable Janet T. Neff
Mag. Judge Sally Berens
Special Master Paula Manderfield

Defendants.

**THE CHUBB INSURERS' JOINDER IN DEFENDANT FIRST STATE INSURANCE
COMPANY'S RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO FILE A
REPLY IN SUPPORT OF ITS MOTION FOR IN CAMERA REVIEW**

The Chubb Insurers¹ ("Chubb") hereby join in First State Insurance Company's ("First State") Response in Opposition to Plaintiff's Motion for Leave to File a Reply in Support of its Motion for *In Camera* Review ("Motion for Leave," ECF No. 1696). The arguments raised by First State apply equally to the Chubb Insurers.² The Court should deny Wolverine's Motion for Leave because Wolverine failed to provide any justification to warrant leave to file its proposed reply, which adds nothing to the record and will not assist the Court in resolving the issues. While Wolverine claims that its proposed reply is necessary to correct certain "mischaracterizations of

¹ The Chubb Insurers are Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America; Pacific Employers Insurance Company; and Federal Insurance Company.

² For example, as set forth by First State, Wolverine has not come close to asserting a valid reason to strike the Declaration of Edward Jarosz. The Declaration confirms for the Court that the Chubb Insurers retained outside counsel at Cohn Baughman & Serlin to provide legal advice regarding Wolverine's claims for insurance coverage. Moreover, that in handling Wolverine's claims at issue in this litigation, Mr. Jarosz has worked closely with the Chubb Insurers' outside legal counsel. Indeed, Wolverine necessitated the filing of the Declaration by its continued false assertion that nothing in the insurers' claim files can be protected from disclosure. In any event, Wolverine never actually moved the Court to strike the Declaration.

the law at issue,” (the same justification Wolverine has used every time it files a motion seeking leave to file a reply) the proposed reply is nothing more than another bite at the apple on arguments that were already exhaustively briefed. Further, Wolverine’s claims of “mischaracterization” are unsubstantiated and will be clear to the Court simply by reviewing the case law identified by the Chubb Insurers, which properly set forth the substantial burden Wolverine faces for the extraordinary relief it seeks. Accordingly, the Court should deny Wolverine’s Motion for Leave.

Respectfully submitted,

Dated: September 6, 2022

s/Carole D. Bos

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CERTIFICATE OF SERVICE

I do hereby certify that on the 6th day of September 2022, I served the Chubb Insurers' Joinder in Defendant First State Insurance Company's Response To Plaintiff's Motion For Leave To File A Reply In Support Of Its Motion For In Camera Review to all Counsel of Record with the Clerk of the Court using the electronic court filing system, which will send notification of such filing to all Counsel of Record.

s/ Carol D. Bos
Carol D. Bos
BOS & GLAZIER PLC